

Exhibit 1: Affidavit of Don Hammonds

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of
the Estate of RONALD TYRONE
ROBY, Deceased,**

Plaintiff,

V.

BENTON EXPRESS, INC., et al,

Defendants.

CIVIL ACTION NO.: 2:05CV494-T

AFFIDAVIT OF BOYD "DON" HAMMONDS

Personally appeared before me, the undersigned authority, a Notary Public in and for said County and State, Boyd "Don" Hammonds, who being by me, first duly sworn, did depose and say on oath as follows:

1. My name is Don Hammonds. I am over the age of nineteen (19) years and have personal knowledge of the facts contained within this affidavit.
2. I am currently the Vice President of Safety for Benton Express, Inc., and I have held this position for several years.
3. Benton Express, Inc., is a less-than-load ("LTL") motor carrier that operates in several southeastern states.
4. The company has numerous terminals located throughout its area of operation.
5. The company's operation includes "road" drivers who drive tractor-trailers between the company's terminals. The operation also includes "city" drivers who pick up and deliver goods for customers in the areas around each of the company's terminals.
6. Benton Express gives its drivers an "Employee Handbook," a true and correct copy of which has been produced by Benton Express as the documents stamped as "Benton

001" through "Benton 039."

7. Shortly after he applied for employment on or about January 26, 2004, Craig Stephens was hired as a truck driver for Benton Express.

8. After his hire, Mr. Stephens worked as a "road" driver for Benton Express based out of the company's terminal in Pensacola, Florida.

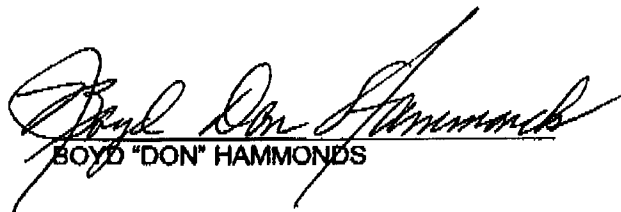
9. As a "road" driver, Mr. Stephens made round-trips between the Benton Express terminals in Pensacola, Florida, and Tallahassee, Florida, and between the Benton Express terminals in Pensacola, Florida, and Atlanta, Georgia.

10. On April 8, 2005, Mr. Stephens was scheduled to make the round-trip from the company's Pensacola terminal to the company's Atlanta terminal and back to Pensacola.

11. Company records indicate that Mr. Stephens arrived in Atlanta and departed from Atlanta as expected on this trip.

12. Mr. Stephens should have completed the trip by proceeding directly from Atlanta to Pensacola and arriving back at the Pensacola terminal in the ballpark of 6:00 a.m. CDT on Saturday, April 9, 2005.

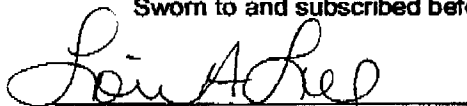
Further affiant sayeth not.


BOYD "DON" HAMMONDS

STATE OF FLORIDA)

COUNTY OF Citrus)

Sworn to and subscribed before me this the 21 day of November, 2005.



Notary Public



Lori A Lee
My Commission DD112648
Expires April 28, 2006

My Commission Expires